

# Congress of the United States

Washington, DC 20515

November 6, 2025

The Honorable Kristi Noem  
Secretary  
Department of Homeland Security  
200 Independence Avenue, S.W.  
Washington, D.C. 20001

Dear Secretary Noem,

We write to raise serious concerns about your decision to furlough Department of Homeland Security (DHS) civil servants within the Office of Detention Oversight (ODO). Given the concerns involving the safety of human life, we urge you to immediately reclassify DHS civil servants in charge of oversight as excepted under the Antideficiency Act and reinstate them.

It has been reported that DHS has furloughed the entire ODO, which is in charge of monitoring the conditions and treatment of individuals in Immigration and Customs Enforcement (ICE) detention facilities. The office is responsible for conducting inspections, ensuring compliance with federal detention standards, investigating complaints of abuse or neglect, and providing recommendations to improve facility operations. Without ODO staff actively performing these duties, there is a heightened risk that detention facilities fail to meet required standards, compromising detainee safety, access to medical care, and legal protections.

The Antideficiency Act provides an emergency exception for employees whose work is “necessary to prevent or avoid an imminent threat to human life or safety.” Therefore, ODO, which provides functions that are essential to prevent death, serious injury, or severe harm would be eligible to be excepted even if federal funding has lapsed. This is not hypothetical—ICE has publicly reported that at least twenty people have died in its custody since January.

The September 29 DHS Procedures Relating to a Lapse in Appropriations document includes exceptions for the safety of human life and protection of property. DHS relies on the Department of Justice (DOJ) interpretation of the Antideficiency Act which has determined detention functions fit within “emergencies involving the safety of human life and protection of property” of the Antideficiency Act. ODO personnel are responsible for ensuring that ICE facilities are safe, humane, and sanitary for detainees and should therefore be excepted under DHS’s own lapse guidance.

DHS, ICE, and Customs and Border Protection (CBP) agents continue to inflict a mass deportation campaign. Agents have arrested U.S. citizens, detained individuals with no criminal charges or convictions, and shot and wounded protesters. The arrests have resulted in a surge of detainees at ICE processing facilities who face unsafe, inhumane, and unsanitary conditions. In ICE facilities nationwide, detainees report missing meals, sleeping on the floor, and not having access to proper medical attention.

Given these developments, we are deeply concerned about the health and safety of detainees and staff at ICE facilities during the ongoing lapse in appropriations. The decision to furlough the entire ODO is a clear attempt to sabotage oversight into the conditions of ICE facilities and the wellbeing of detainees.

We urge you to immediately reclassify the DHS civil servants in charge of oversight as excepted under the Antideficiency Act and reinstate them.

Thank you for your time and attention to this critical request.

Sincerely,



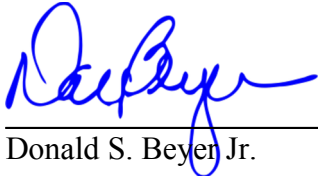
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James R. Walkinshaw  
Member of Congress



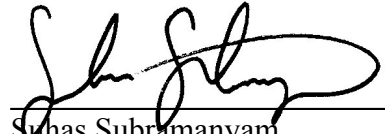
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Mark R. Warner  
United States Senator



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Donald S. Beyer Jr.  
Member of Congress



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Suhas Subramanyam  
Member of Congress